

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**LESLIE DOYLE, individually and on behalf
of all others similarly situated,**

Plaintiff,

-against-

ENSITE USA, INC.,

Defendant.

No: 4:18-2941 (GHM)

**STIPULATION REGARDING CONDITIONAL COLLECTIVE ACTION
CERTIFICATION**

WHEREAS, Plaintiff Leslie Doyle commenced this putative collective action under the Fair Labor Standards Act on August 24, 2018;

WHEREAS, Plaintiff filed his motion for conditional certification and notice pursuant to 29 U.S.C. § 216(b) (“the Motion”) on June 14, 2019 (ECF No. 26);

WHEREAS, Plaintiff and Defendant EnSite USA, Inc., have reached an agreement regarding the scope of conditional collective action certification and issuance of notice in this matter;

NOW THEREFORE, Plaintiff and Defendant (together, the “Parties”), through their undersigned counsel, hereby stipulate and agree as follows:

1. The Parties stipulate and consent to the conditional certification of an FLSA collective action consisting of the following FLSA class:
 - a. All current or former individuals who worked for EnSite in the Inspector position and paid a day rate between April 13, 2015 through the present.

2. The Parties have negotiated a form of FLSA § 216(b) notice (“Notice”) and consent to join form (“Consent”) to be sent to the group identified above, which are attached hereto as **Exhibit A**.
3. Within fifteen (15) days of the Court’s endorsement of this stipulation and approval of the attached Notice and Consent, Defendant shall provide Plaintiff’s counsel with a list in Microsoft Excel format (the “List”), containing the following information for current and former Inspectors, from April 13, 2015 to present, that received a day rate: full names, last known residence addresses, telephone numbers, the state out of which the identified current or former employee was based and day rate paid.
4. Within thirty (30) days of Plaintiff’s counsel’s receipt of the List from Defendant, Plaintiff’s counsel shall cause copies of the Notice and Consent, together with a stamped return envelope addressed to Plaintiff’s counsel, to be sent by first class mail to the individuals set forth on the List.
5. As will be set forth in the Notice, the putative participants in this action identified above shall have sixty (60) days from the mailing of the Notice and Consent to join this action by filing their Consent.
6. Thirty (30) days after Notice is mailed to putative participants, Plaintiff’s Counsel will send a Reminder Notice and Consent. Attached as **Exhibit B** is the Reminder Notice.
7. Consents shall be returned to Plaintiff’s counsel.
8. Defendant reserves their right to oppose certification of the collective action following the close of discovery in this matter, as well as their right to assert other objections and defenses to evidentiary issues, liability, or the scope of damages and other relief.

Dated: July 5, 2019

APPROVED AS TO FORM:

**BRUCKNER BURCH PLLC
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By: /s/ Rex Burch *with permission

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SO ORDERED.

Dated: Houston, Texas
July 8, 2019



Hon. Gray H. Miller, U.S.D.J.